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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KLEBE, GERALD B

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,868	Applicant(s) HUANG, SHIH-MING	
	Examiner Gerald B. Klebe	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

G B Klebe
29 June 2005

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. The amendment filed 11/29/2004 under 37 CFR 1.111 has been entered. Claims 13-20 are pending in the application, claims 1-12 being cancelled by the amendment.

Where the new claims are added, Applicant has neglected to list, as required by the restriction, all claims readable on the elected species. The examiner notes that newly added claims 13-19 appear to read on the elected species I, Figures 2-4. Claim 20 does not read on the elected species and is hereby withdrawn from further action on the merits.

Drawings

2. The proposed drawing change to Figure 1, filed 11/29/2004 is approved by the examiner.

Claims Rejections - 35 USC Sec. 112, 2nd Para.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 13 in line 7 recites the limitation "two members"; it is not clear whether the two members referred-to are the two swing members or are the two resilient members.

Appropriate clarification or correction is required.

b. Furthermore, claim 13 recites the limitation "the at least two members" in line 7.

There is insufficient antecedent basis for this limitation in the claim.

Appropriate clarification or correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 13, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Grossman (US 4645223).

Grossman discloses a skateboard with a vibration-absorbing function comprising:

- a) a platform (12) having two platform connecting sections (taken as the two locations where the elements 36 engage the underside of the platform;
- b) a coupling stage (32) located on a bottom of the platform;
- c) two swing members (28) , each of the two swing members pivotally connected (refer Fig 6, item 30 and the text at col 2, line 63 to col 3, line 5) at a first swing member end to the coupling stage (32) and having a swing member connecting section (34);
- d) two resilient members (36), each of the at least two resilient members located between one of the two platform connecting sections and the swing member connecting section of one of the two swing members (refer Fig 1); and
- e) two wheel sets (18), each of the two wheel sets is located below the swing member connecting section of one of the two swing members (as shown in Fig 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman (US 4645223) in view of Muhammad (US 4230330).

As discussed above, Grossman discloses all of the features of claim 1 from which claims 14-15 depend.

Grossman lacks explicit disclosure of a braking section that includes a base and a rotor.

Muhammad teaches a skateboard with a vibration-absorbing function comprising a platform and two swing members wherein (**re: claim 14**) at least one of the swing members has a braking section (Fig 1, item 22) and wherein (**re: claim 15**) the braking section includes a base (30) and a rotor (68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified at least one of the swing arms of Grossman to include a braking section including a base and a rotor in accordance with the teachings of Muhammad in order to enable the rider to cause the rotor section of the brake to contact the ground thereby slowing or stopping rolling motion of the board as suggested by the reference at column 1, lines 52-65.

9. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman (US 4645223) in view of Maurice (US 6543792) and further in view of Walton (US 6832765).

As discussed above, Grossman discloses all of the features of claim 1 from which claims 17-19 depend.

Grossman lacks explicit disclosure of a plurality of supporters embedded in the platform and Grossman uses cylinders of synthetic rubber or similar material without dust covers instead of springs protected with flexible dust covers.

However, Maurice teaches a skate with a vibration-absorbing function comprising (**re: claims 17 and 18**) a plurality of supporters embedded in the underside of the platform at the location of the resilient members (Fig 6, item 256) and wherein each of the resilient members includes at least one spring (item 252; refer col 6, lines 4-5) protected with a dust cover (item 258).

Furthermore, Walton teaches that, relative to wheel suspensions, in-line skates and skateboards are analogous arts.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the skateboard of Grossman in accordance with the teachings of Maurice as taught by Walton by using resilient members comprising springs in dust covers and embedding supporters in the underside of the platform where the resilient device impinges the platform in order to provide protection of the resilient device from dust and foreign matter during use and to protect the underside of the board against severe wear and tear where the resilient member impinges the board.

Regarding the further feature of claim 19 wherein each of the resilient members includes a dust cover that is flexible, the spring dust covers of Maurice are rigid. However, the examiner takes Official Notice that for resilient members employed as shock absorbers dust covers that are rigid and dust covers that are flexible are considered art equivalents and therefore it would have been obvious to one of ordinary skill in the art at the time the instant invention was

made to have used flexible dust covers instead of the rigid dust covers taught by Maurice as a mere design choice providing protection against dust and dirt equivalent to that provided by a rigid cover.

Allowable Subject Matter

10. Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Argument

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Action made Final New Grounds Necessitated by Amendment

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Prior Art made of Record


13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Jez et al.; of Tuan; of Grossman (-300); of Maurice; of Schroeder; and of Behrendt each show features in common with some structures of the inventive concept disclosed in the instant application.

Conclusion

14. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gbklebe / Art Unit 3618 / 29 June 2005



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ANNOTATED MARKED-UP DRAWING

